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OFGS File No.: P/746-6

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Confirmation No.: 3877

Christian ERKER

Date: February 23, 2007

Serial No.: 10/581,382

International Application No.: PCT/DE2004/002649

International Filing Date: 2 December 2004

For: SEATBACK ADJUSTMENT

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35  
U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed January 22, 2007 (copy enclosed), the undersigned mailed by First Class Mail to the U.S. Patent and Trademark Office submitting the Applicant's Declaration and the surcharge fee for filing the Declaration on January 23, 2007. A copy of the prior submission is enclosed.

Since the Missing Requirements have been supplied prior to the Notification, no further submission in response to the enclosed notice is required. As the fee of \$130.00 in payment of the required surcharge has already been paid when the Declaration was filed, **NO FEE is required in connection with this Response.**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to:

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450, on February 23, 2007:

Robert C. Faber

Name of applicant, assignee or  
Registered Representative

Robert C. Faber  
Signature

February 23, 2007  
Date of Signature

RCF:rra

Respectfully submitted,

Robert C. Faber

Robert C. Faber  
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Telephone: (212) 382-0700



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/581,382	Christian Erker	P/746-6

INTERNATIONAL APPLICATION NO.

PCT/DE04/02649

I.A. FILING DATE

12/02/2004

PRIORITY DATE

12/02/2003

2352

OSTROLENK FABER GERB & SOFFEN  
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 NEW YORK, NY 100368403

OFFICE FILE NO. 21746-6  
 22-March-2007  
 PATENTS ORDERED *pm*

CONFIRMATION NO. 3877

371 FORMALITIES LETTER



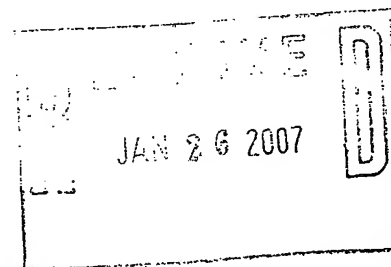
\*OC000000022074529\*

Date Mailed: 01/22/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/02/2006
- English Translation of the IA filed on 06/02/2006
- Copy of the International Search Report filed on 06/02/2006
- Copy of IPE Report filed on 06/02/2006
- Copy of Annexes to the IPE filed on 06/02/2006
- English Translation of Annexes to the IPE filed on 06/02/2006
- Preliminary Amendments filed on 06/02/2006
- Information Disclosure Statements filed on 06/02/2006
- Oath or Declaration filed on 06/02/2006
- Request for Immediate Examination filed on 06/02/2006
- U.S. Basic National Fees filed on 06/02/2006
- Priority Documents filed on 06/02/2006



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the

missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

VIRGINIA L IRBY

Telephone: (703) 308-9140 EXT 229

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/581,382	PCT/DE04/02649	P/746-6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Christian ERKER

Date: January 23, 2007

Serial No.: 11/581,382

Int'l. Appln. No.: PCT/DE2004/002849

Int'l. Filing Date: 2 December 2004

For: SEATBACK ADJUSTMENT

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 Commissioner for Patents  
 U.S. Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**SUBMISSION OF DECLARATION**

Sir:

In the absence of a Notification of Missing Requirements under 35 U.S.C. § 371, enclosed herewith is an inventor's Declaration. Credit card payment in the amount of \$130.00 is submitted via EFS-WEB.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account #15-0700.

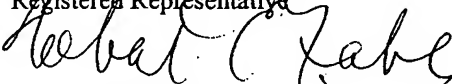
If this communication is filed after the time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. §1.136(a), to extend the time for filing a response by the number of months which will avoid abandonment under 37 C.F.R. §1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 23, 2007:

Respectfully submitted,

Robert C. Faber

Name of applicant, assignee, or  
 Registered Representative



Signature

January 23, 2007

Date of Signature



Robert C. Faber

Registration No.: 24,322

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